



Brian G Svoboda
PHONE 202 434 1654
FAX 202 434 1690
EMAIL bsvoboda@perkinscoie.com

607 Fourteenth Street NW
Washington, DC 20005-2011
PHONE 202 628 6600
FAX 202 434 1690
www.perkinscoie.com

April 13, 2006

Lawrence Norton, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 5547

Dear Mr. Norton:

On behalf of the Martin Frost Campaign Committee and Bonnie Breazeale, in her official capacity as treasurer, I write in response to your letter of March 13, 2006, informing Respondents that the Commission has found reason to believe that they violated 2 U.S.C. §441d(c)(2) by failing to place a printed box around a disclaimer on three mailings.

This matter involves no claim that the Committee omitted or tried to conceal any required information. Indeed, the Factual and Legal Analysis acknowledges that the disclaimer contained the necessary information, was printed with a reasonable degree of color contrast, and was clearly readable. *See* Factual and Legal Analysis at 2. The only issue is whether the disclaimer was contained in a printed box set apart from the other contents of the communication. *See id.*

In this case, Respondents' vendor made a mistake and failed to enclose the disclaimer in a printed box, as 2 U.S.C. § 441d(c)(2) requires on its face. The omission was an inadvertent mistake made in the rush of a campaign. Respondent derived no benefit from it, nor was the public harmed. Anyone receiving the mail knew who had paid for it.

[14248-0001/DA061020 027]

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2006 APR 13 P 4: 24

2006 APR 13 P 4: 24

April 13, 2006
Page 2

2704415336

April 13, 2006
Page 3

2704913333
We appreciate the Commission's consideration of our response.

Very truly yours,



Brian G. Svoboda
Counsel to Respondents

cc: Chairman Michael Toner
Vice Chairman Robert D. Lenhard
Commissioner David M. Mason
Commissioner Hans A. von Spakovsky
Commissioner Steven T. Walther
Commissioner Ellen L. Weintraub
Delbert K. Rigsby, Esq.
Mr. Martin Frost